

SENATOR ASHFORD: Thank you, Mr. President, yes. Members, we have before us, in this legislative session, many bills which are designed to make government more cost-effective. We have bills that are designed to make business and cause business to be more cost-effective, and we have many bills designed to make the agricultural sector more cost-effective. LB 225, I believe, gives us an opportunity to make the legal system and the trial practice system in our state more cost-effective. The bill sets up what has come to be known in the practice as a summary jury trial procedure. The summary jury trial procedure is a procedure which has been used effectively in five or six states and in the federal court system here in Nebraska. This bill will authorize our district courts and county courts to provide a system whereby the litigants, the parties to a lawsuit and their attorneys, can have an opportunity to litigate, in a relatively informal basis, the issues of their case before a jury of six persons chosen for the specific purpose of hearing this particular matter. The purpose, of course, is to encourage the parties to settle their cases prior to a lengthy trial of the issues. Basically the jury would convene...would be convened by the judge, would sit, as would a normal jury, but, instead of hearing testimony from witnesses, would receive as evidence summary descriptions of the evidence presented by the lawyers for the parties. The summary jury would then make a decision which would be brought forward to the parties and the attorneys. And those attorneys and parties... This decision, of course, as Senator Chizek has mentioned, it would be nonbinding on the parties. It could not be used at any later trial of the parties...trial of the matter, and it would hopefully result in settlement. Now the actual time consumed in this procedure would be approximately three to four hours. It has been used effectively in the federal courts in Nebraska. There have been, I believe at the testimony at the hearing indicated that there have been 14 cases tried by summary jury trial before the federal courts, and all 14 cases were settled. The cost of lengthy jury trial litigation is difficult and it is very high. We hear today about the criticism that there are too many cases. I believe the real problem is not that there are too many cases, the volume of cases has remained relatively steady in our district courts. The problem is one of cost. I believe that this summary jury trial system will, in fact, based on my experience, substantially or significantly reduce costs in those cases where the parties desire to use it. Again, we are only...we are not mandating this procedure in any way. We are not denying litigants, individuals, the right to the...access to the courts. We are simply authorizing the courts to utilize